IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10412 of 2005

Between:

1. Mamillapally Gram Panchayat, rep. by its Sarpanch, N.Ayyanavar Reddy, S/o. Konda Reddy, aged about 58 years, R/o. Mamillapalli Gram Panchayat, Chinnakummadinna Mandal, Kadapa District.
2. K.Narasimhulu, S/o. Penchalaiah, 1st Ward Member, R/o. Baba Nagar.
3. K.N.Suresh, S/o. K.N.Babu, 2nd Ward Mamber, R/o. Angadiveehi,
4. Khader Bhee, S/o. Mohin Basha, 3rd Ward Mamber, R/o. Angadiveehi,
5. R. Sudhakar Babu S/o. Venkatapathi 5th Ward Mamber, R/o. C.M.R. Palli.
6. N. Madhusudhan S/o. Erikalaiah 6th Ward Mamber, R/o. C.M.R. Palli.
7. Chandbee D/o.Mehaboob 7th Ward Mamber, R/o. C.M.R. Palli.
8. K. Subba Ramaiah S/o.Gangulaiah 9th Ward Mamber, R/o. Mamillapalli (H.W).
9. B.C.Gopinaik S/o. Laxmi Naik 10th Ward Mamber, R/o. R.S. Thanda
10. M. Naga Munaiah S/o.Goyanna 11th Ward Mamber, R/o. Balijapalle
11. K. Kamalamma W/o.Munaiah 12th Ward Mamber, R/o. Narayanapalli
12. S. Bibi W/o.Persaheb 13th Ward Mamber, R/o. Narayanapalli
13. P. Prasad S/o.Sundaram 13th Ward Mamber, R/o. Marynagar
14. G.Ankamma W/o.Venkata Subba Reddy
15. G. Manikayamma W/o.Gopal, R/o.Utukuru.
16. Ch.Abbireddy S/o.China Ankireddy, R/o.Utukuru
17. V. Susheelamma W/o. Johnesh, R/o.Utukuru
18. B. Chinaperaiah S/o.China Shaveli, R/o.Agraharam
19. C.Ganganna S/o.Ganganna, R/o. Venkatagaripalle
20. V. Subbaiah S/o.China Subbaiah, R/o. Professor Colony.
21. M. Rasool Bee W/o. Aazpeera, R/o. Professor Colony.

22. T. Palaiah S/o.Gangaiah, R/o. Polugaripalli
23. S. Siraj Basha S/o. Ahmed Basha, R/o. Viswanadhapuram.
24. P. Mumtaz Begum W/o. Gousepeer, R/o. Viswanadhapuram.
25. V. Masthan S/o. Ganganna, R/o. Mulavanka
26. S. Jaffar S/o.Khader Basha, R/o. Viswanadhapuram

... PETITIONERS

AND

1 The Govt. of A.P Rep.by its Secretary, Dept., of Municipal Admn., & Urban Devl., Secretariat Bldgs Hyderabad.
2 The Commissioner Municipal Administration Secretariat Buildings Hyderabad.
3 The Dist., Collector Kadapa.
4 The Municipal Corporation Kadapa

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in proposing to include Utukur Gram Panchayat, Mamillapalli, Gram Panchayat, Chinthakumadinna Mandal, Kadapa Dist., and issue notification upgrading kadapa municipality into municipal corporation as arbitrary, illegal, unjust, contrary to law and in violation of the fundamental rights guaranteed under Article 14 of the constitution of India and in violation of principles of natural justice and also contrary to articles 243 E, 243 M, and 243 G of the Constitution of India apart from being contrary to Sec.3 (a) of the A.P.Municipalities Act, if necessary, read down Sec.3 of the A.P.Municipal Corporations Act in consonance with the provisions of part IX of the constitution of India and A.P. Panchayat Raj Act and issue consequential direction to the respondents not to proceed with the upgradation of Kadapa Municipality into Kadapa Municipal Corporation.

Counsel for the Petitioners: SMT.N.SHOBA

Counsel for the Respondents.: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in proposing to include Utukur Gram Panchayat, Mamillapalli Gram Panchayat, Chinthakumadinna Mandal, Kadapa district and issuing notification upgrading Kadapa Municipality into Municipal Corporation as arbitrary and illegal.

Learned Government Pleader for Municipal Administration and Urban Development appearing for the respondents submitted that as on today there is no final notification issued by the Government upgrading the Utukur Gram Panchayat, Mamillapalli Gram Panchayt, Chinthakumadinna Mandal, Kadapa Municipality into Municipal Corporation, dissolving the Grampanchayats and upgrading the same as Municipalities.

Recording the submission made by the learned Government Pleader, the writ petition is dismissed since it is premature. No order as to costs.

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ELIPE DHARMA RAO, J

Dated: 13-06-2005

LSK/CVM

To

1 The Secretary, Dept., of Municipal Admn., & Urban Devl., Secretariat Bldgs Hyderabad.
2 The Commissioner Municipal Administration Secretariat Buildings Hyderabad.
3 The Dist., Collector, Kadapa.
4 The Municipal Corporation, Kadapa

5 Two C.Cs. to the G.P. for Municipal Administration, High Court buildings, Hyderabad. (OUT)

6 Two C.D. copies.